

I had no alternative but to present the alternative view of how to serve those agricultural needs.

The basic difference between the bill Senator CHAMBLISS just described and the other bill, the bill that is primarily offered by Senators KENNEDY and CRAIG, is the difference between a bill that provides amnesty, in the case of their legislation, for illegal immigrants here, and our bill, which provides the workforce within the legal construct of the law but does not grant amnesty to the illegal immigrants who are here. There are a lot of other differences, but that is the prime difference.

Both of us recognize that there is a significant need for a workforce in this country, willing and able to work in agriculture and related occupations, and that cannot be satisfied solely with people who are American citizens today.

The difference is in the way we treat those people who are here illegally today. What the Craig and Kennedy legislation does is to grant those people, very early on, a legal status which permits them to become legal permanent residents. "Legal permanent residents" is a term of art under our immigration law. Some people refer to it as a green card. As little as 100 hours' work for 3½ months entitles someone under their legislation to get a green card. A green card is like gold because it enables you to live for the rest of your life in the United States of America and work here.

But it also means something else. If you have a green card, you can also apply to become a citizen of the United States of America. It is a wonderful thing for people from other countries to get to be citizens of the United States of America. We are very much in support of immigration to this country. As my grandparents came here and as almost all the rest of us have relatives who came to this country from another country, we all support legal immigration. But we do not believe that great opportunity to become a citizen of the United States should be granted to someone on the basis of their illegality; because they came here illegally, because they used counterfeit documents, because they got a job illegally—that on the basis of those factors they should get an advantage over those who are abiding by the law and who want to become U.S. citizens. It is that with which we disagree.

What we say is if a person who is in the country illegally today wants to work in U.S. agriculture or related industries, and the employer needs that person—and there are certainly a lot of them in that category—the employer petitions and that individual can get a different kind of status, a blue card, as Senator CHAMBLISS said. That blue card status enables them to work here, to live here, to travel back and forth to their country of origin. They can go back and forth every weekend, if they desire. There are no restrictions there.

They are in the Social Security system. They are protected by our laws. They have to be paid a specific kind of wage, and they have all of the other kinds of protections one would think of in this context, but their status is different from that of a legal permanent resident, a green card holder.

Not only are they not entitled to live here the rest of their lives—eventually they are going to have to return home—but if they want to become citizens they have to go home and apply for it just like anybody else. What does that mean? They have to be petitioned for by somebody, by an employer in this country. It takes about a year for them to acquire this status of legal permanent resident. That is how long it takes to get it. But once you get it, you can apply to become a U.S. citizen.

We are not punishing people for having violated our laws. Some would say you should not give them the opportunity to become citizens because they broke our laws. As Senator CHAMBLISS pointed out, we are not saying that. If they want to become legal permanent residents and apply for U.S. citizenship, they would have that right. All we ask is that they be treated just like anybody else who wants that right, which is to say they apply from their own country, not from the United States; that they wait the same period of time you would have to wait otherwise, a year; and then, if it is granted, they can apply for citizenship, and all the rest of it works just the same as it would for anybody legal.

What we say is that you cannot use the fact that you came to the United States illegally to get to stay here and stay here during the entire process that you are applying for legal permanent residency and U.S. citizenship. That gives you a big advantage, a leg up over those who are abiding by the law and who did not violate the law and come here illegally in the first place. There are other differences, but that is the most critical difference.

From our colleagues' standpoint, what we are saying is you can vote for a bill which grants a very simple, convenient, economical way for us to get the agricultural labor we need in this country, with all the protections for the laborers which one would expect, without having to grant amnesty to these individuals, and that is a big deal.

The second way the Kennedy-Craig legislation provides for amnesty is that it even provides for someone who came to this country illegally and is employed illegally here and who then went back to their home country to come back into the United States and get those same advantages as those who would otherwise have to wait a year for legal permanent residency and then later for citizenship. So it not only would apply to those who are here illegally today but those who claimed they worked in the United States illegally in the past. And who knows what kind of claims we are going to get

there? Because, of course, the counterfeit documents, Social Security cards, driver's licenses, and other kinds of documents used to gain employment in the first instance can also be used to demonstrate the previous status of having illegally worked in the United States of America.

(Mr. CHAMBLISS assumed the chair.)

Mr. KYL. One of the reasons I believe our bill has more support is that it is more likely to become law, whether it is a stand-alone provision that relates only to agricultural workers or is part of a broader kind of immigration reform. I do not think many people believe the House of Representatives is going to pass a bill with amnesty, so we are trying to be practical about it. We would like to get something done, not simply run an ideological position up the flag pole in order to get a vote on it here in the Senate. That is why the American Farm Bureau is so strongly in support of our legislation and in opposition to our colleagues' legislation.

I ask unanimous consent to have printed in the RECORD a letter from the American Farm Bureau Federation dated April 13 to the Presiding Officer and myself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, April 13, 2005.

Hon. SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

Hon. JON L. KYL,
U.S. Senate,
Washington, DC.

DEAR SENATORS CHAMBLISS AND KYL: The American Farm Bureau Federation strongly supports the Chambliss-Kyl Amendment and urges its adoption when it is considered on the Senate floor.

This amendment would provide U.S. agriculture a clear, simple, timely and efficient H-2a program to fill seasonal and temporary jobs for which there is a limited U.S. labor supply. In order to recruit a worker from abroad, an employer would first have to make every reasonable effort to find an American worker. This is exactly the kind of meaningful reform that is necessary to provide all sectors of agriculture with a workable program while protecting American workers.

The measure also deals sensibly and fairly with illegal immigrants who are now working in agriculture, who meet strict criteria and who pose no security threat. Employers would petition to have such workers granted "blue card" temporary worker status. Once granted, a blue card would be valid for three years and could be renewed a maximum of two times (exceptions may be considered for supervisory employees.)

This amendment does not grant amnesty to illegal aliens. Blue card workers would have the right to change jobs, earn a fair wage and enjoy the same working conditions the law requires for American workers. Blue card workers would be protected by all labor laws. Blue card workers could travel freely and legally back and forth to their home country.

The Chambliss-Kyl proposal strikes a reasonable balance among employers, hard-working employees who are striving to better themselves and the need and obligation